

Application No. 10/723,624

Docket No.: 65858-0029

REMARKS

Claims 1-63 and 84-120 are pending. Claims 1, 14, 30, 44, 84, and 108 are independent claims. In the Final Office Action, Claim 2 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Claims 1-63, 92, 94-97, and 103-120 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim subject matter which applicant regards as the invention. Claims 64-120 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly incomplete for admitting essential elements. Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by EP 1014082 A2 ("Bauer"). Claims 64, 65, 68, 69, and 72 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over US 6,577,112 ("Lvovich").

Applicants' would like to thank the Examiner and his supervisor for the courtesy extended during a telephonic interview with Applicants' representative on November 3, 2005. Certain claim amendments, not intended to alter the scope of the claims, have been made herein to address issues discussed during that interview. Further, to expedite prosecution, Applicants' have canceled claims 64-83 without prejudice to pursue these claims in a continuation application. Following the foregoing interview with the Examiner, in light of the foregoing amendments and the following remarks, Applicants believe that all pending claims are in condition for allowance.

I. Section 112 Rejections**A. Claim 2**

Claim 2 has been amended to recite that "each x-value corresponds to at most one datum in each combined plot." This amendment is believed to clarify the meaning of claim 2, and in particular to make clear that each x-value corresponds to only one datum in each combined plot. Accordingly, it is respectfully requested that the Section 112 rejection of claim 2 be withdrawn.

B. Claims 1-63, 92, 94-97, and 103-120

Claims 1-63, 92, 94-97, and 103-120 were rejected under Section 112 because of an alleged ambiguity between a substance in which an electrode is disposed to collect data and a

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substance that is monitored. As discussed in the foregoing telephonic interview with the Examiner, certain of Applicants' dependent claims clearly support a differentiation between a substance used to collect data and a substance in which properties are predicted. Further, Applicants' dependent claims have been amended as necessary to make clear this differentiation. For example, claim 27 has been amended to make clear that "at least one property prediction" is "for a second substance." Claim 41 has been similarly amended. Accordingly, it is respectfully suggested that the foregoing Section 112 rejections of Applicants' claims should be withdrawn.

C. Claims 64-120

Claims 64-120 were rejected under 35 U.S.C. § 112 as allegedly incomplete for omitting the recitation of an electrode mechanism disposed in a substance. During the foregoing interview with Applicants' representative, the Examiner agreed that the omission of an electrode mechanism as an element of the foregoing claims did not render the claims incomplete for omitting essential elements. Accordingly, the Examiner agreed to withdraw the foregoing rejection under Section 112.

II. Section 102 Rejections

During the foregoing telephonic interview, the Examiner agreed that Bauer does not read on every element on claim 1. Specifically, Bauer does not teach or suggest at least the limitation in claim 1 that "each x-value corresponds to at most one datum in the combined plot." Accordingly, claim 1, and also claim 2 depending therefrom, are allowable over Bauer.

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CONCLUSION

For at least the foregoing reasons, all pending claims are believed to be in condition for allowance. If the Examiner disagrees, or if any formal matters require attention prior to passing this application to issue, the Examiner is respectfully urged to telephone the undersigned Applicants' representative.

Applicants' believe that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65858-0029, from which the undersigned is authorized to draw. A petition for an extension of time is hereby made to the extent necessary.

Dated: November 14, 2005

Respectfully submitted,

By 

Charles A. Bieneman

Registration No.: 51,472

Michael B. Stewart

Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC

39533 Woodward Avenue, Suite 140

Bloomfield Hills, Michigan 48304

(248) 594-0600

Attorneys for Applicant